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ISSUANCES

of the

Meat and Poultry Inspection Program

CURRENT SERIAL RECORDS

February 1980



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Inspection Regulations

UNITED STATES DEPARTMENT OF AGRICULTURE
Food Safety and Quality Service
Meat and Poultry Inspection Program
Washington, D.C. 20250

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UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND QUALITY SERVICE
MEAT AND POULTRY INSPECTION PROGRAM
WASHINGTON, D.C. 20250

Meat and Poultry Inspection Manual

February 1980

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MAINTENANCE INSTRUCTIONS

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product contact zone. Data should be reported as microbes per square inch.

4. Develop a microbiological control and monitoring program. Record all information as follows:

a. Microbiological control (preoperative sanitation instructions, sanitary operation specifications, environmental control).

b. Microbiological monitoring (sampling, laboratory procedure, actions).

Written instructions should be directed to involved plant employees.

5. Submit proposed program, with plant's sanitation requirements and procedures, to the inspector in charge, who will send it with his * comments to PPID through appropriate supervisory channels.

6. Provide copy of the accepted program for the inspector's file.

(2) **Changes.** Proposed revisions to update and/or improve the microbiological control and monitoring program * should be submitted to PPID as described above.

(h) Midshift Cleanup Requirement.

A program approval does not relieve the plant from other required sanitary practices. Plant failure to comply with all provisions of this subpart will require a midshift cleanup.

Approval of a program does not relieve inspection personnel from their responsibilities. The inspector in charge shall:

1. Review, evaluate, and recommend approval or disapproval of proposed program and/or revisions.

2. Familiarize himself with details of accepted procedures.

3. Evaluate sampling procedures.

4. Monitor plant adherence to procedures and evaluate its effectiveness and program deviations, including frequent reviews of plant records.

5. Assure adequacy of corrective action.

6. Notify the supervisor when plant refuses to adhere to program procedures.

7. Withhold program acceptance and revert to midshift cleaning and sanitizing with circuit supervisor's approval.

ANTE-MORTEM INSPECTION

PROCEDURE

Subpart 9-A

(Regs: M-309; P-Subpart J)

9.1 PURPOSE

Ante-mortem inspection is to accept only animals (livestock or poultry) capable of producing products acceptable for use as human food. Such inspection removes from human food channels animals: (1) obviously unfit for human food because of diseases or abnormalities; (2) with diseases or conditions difficult to detect on routine post-mortem inspection (central nervous system disorders, chemical poisoning); (3) with zoonotic diseases (ornithosis, poultry erysipelas, etc.). It also prevents unnecessary contamination of slaughtering departments, and provides information on suspect animals for post-mortem inspection.

9.2 FACILITIES, EQUIPMENT, LOT

The establishment will provide adequate facilities, equipment, and necessary supplies, and will determine the number of animals (livestock or poultry) comprising a lot. Ante-mortem inspection shall be performed only on lots identified for slaughter by the establishment.

9.3 ASSISTANCE

Plant management shall provide sufficient employees to move, segregate, restrain, identify, and dispose of animals as requested by the inspector.

9.4 INSPECTION DAY

Ante-mortem inspection must be made by an MPI employee--veterinarian, or inspector under veterinary supervision --before daily slaughter operations begin, except for low volume plants (see section 9.8), and according to regulations and/or instructions issued by the Administrator.

Subsequent inspections. These shall be made, as necessary. Inspectors assigned to small plants may have to stop post-mortem inspection procedures to perform ante-mortem inspection.

9.5 OBSERVATION**(a) Livestock**

Cattle, calves, swine, sheep, goats, horses, or other equines shall be observed when at rest and in motion.

(1) **At rest.** The inspector shall *
observe cattle, large calves, boars, *
stags, sows, horses, or other equines *
from outside the pen; small calves, *
butcher swine, sheep, and goats from *
inside. *

(2) **In motion.** All animals shall be observed on both sides while in motion.

A mirror may be used to view the opposite side of each animal.

Excitement of animals should be avoided.

(b) Poultry

Poultry shall be observed while they are in coops or batteries before or after removal from truck(s).

9.6 SEGREGATION

Animals (livestock or poultry) showing signs of abnormalities or



UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND QUALITY SERVICE
MEAT AND POULTRY INSPECTION PROGRAM
WASHINGTON, D.C. 20250

MEAT AND POULTRY INSPECTION REGULATIONS

FEBRUARY 1980

CHANGE: 80-1/2
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Subchapters precede the text in each instance.

Information on Meat and Poultry Inspection is Available From:

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SUBCHAPTER A-MANDATORY MEAT INSPECTION

PART 301-DEFINITIONS

AUTHORITY: The provisions of this Part 301 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962, (7 U.S.C. 450); Act of July 24, 1919, (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 301.1 Meaning of terms.

As used in this subchapter, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

§ 301.2 Definitions.

As used in this subchapter, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

- * (a) The Act. The Federal Meat Inspection Act, (34 Stat. 1260, as *
* amended, 81 Stat. 584, 84 Stat. 438, 92 Stat. 1069, 21 U.S.C., Sec. 601
et seq.) *
(b) The Department. The United States Department of Agriculture.
(c) Secretary. The Secretary of Agriculture of the United States or his delegate.
(d) Food Safety and Quality Service. The Food Safety and Quality Service of the Department.
(e) Administrator. The Administrator of the Food Safety and Quality Service or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.
(f) Program. The Meat and Poultry Inspection Program of the Food Safety and Quality Service.
(g) Inspector. An inspector of the Program.
(h) Program employee. Any inspector or other individual employed by the Department or any cooperating agency who is authorized by the Secretary to do any work or perform any duty in connection with the Program.
(i) Official establishment. Any slaughtering, cutting, boning, meat canning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under the regulations in this subchapter.
(j) Circuit supervisor. The circuit supervisor of a circuit.
(k) Circuit. One or more official establishments included under the supervision of a circuit supervisor.
(l) Person. Any individual, firm, or corporation.
(m) Firm. Any partnership, association, or other unincorporated business organization.
(n) Meat broker. Any person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of live-

(§ 301.2(n) cont'd.)

stock on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(o) Renderer. Any person engaged in the business of rendering carcasses or parts or products of the carcasses of any livestock except rendering conducted under inspection or exemption under Title I of the Act.

(p) Animal food. Any article intended for use as food for dogs, cats, or other animals derived wholly, or in part, from the carcass or parts or products of the carcass of any livestock, except that the term animal food as used herein does not include livestock and poultry feeds manufactured from processed animal byproducts (such as meatmeal tankage, meat and bonemeal, bloodmeal, and feed grade animal fat).

(q) Animal food manufacturer. Any person engaged in the business of manufacturing or processing animal food except manufacturers of livestock and poultry feeds with respect to any activity of acquiring or using processed animal byproducts (such as meatmeal tankage, meat and bonemeal, bloodmeal, and feed grade animal fat) in the manufacture of such foods.

(r) State. Any State of the United States or the Commonwealth of Puerto Rico.

(s) Territory. Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

(t) Commerce. Commerce between any State, any Territory, or the District of Columbia, and any place outside thereof; or within any Territory not organized with a legislative body, or the District of Columbia.

(u) United States. The States, the District of Columbia, and the Territories of the United States.

(v) Capable of use as human food. This term applies to any carcass, or part or product of a carcass, of any livestock, unless it is denatured or otherwise identified as required by the applicable provisions of §§ 314.3, 314.10, 325.11, and 325.13 of this subchapter to deter its use as a human food, or it is naturally inedible by humans; e.g., hoofs or horns in their natural state.

(w) Edible. Intended for use as human food.

(x) Inedible. Adulterated, uninspected, or not intended for use as human food.

(y) Prepared. Slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(z) Cutting up. Any division of any carcass or part thereof, except that the trimming of carcasses or parts thereof to remove surface contaminants is not considered as cutting up.

(aa) Adulterated. This term applies to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health.

(2) (i) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added

(§ 301.2(ccc) continued)

(5) Lack of muscular coordination;

(6) Inability to walk normally or stand;

(7) Any of the conditions for which livestock is required to be condemned on ante-mortem inspection in accordance with the regulations in Part 309 of this subchapter.

(ddd) Supervision. The controls, as prescribed in instructions to Program employees, to be exercised by them over particular operations to insure that such operations are conducted in compliance with the Act and the regulations in this subchapter.

(eee) Further processing. Smoking, cooking, canning, curing, refining, or rendering in an official establishment of product previously prepared in official establishments.

(fff) Artificial flavoring. A flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of synthesis or other similar artifice.

(ggg) Artificial coloring. A coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice, or a coloring which was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.

(hhh) Chemical preservative. Any chemical that, when added to a meat or meat food product, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices or substances added to meat and meat food products by exposure to wood smoke.

(iii) Regional Director. The official¹ in charge of the program within each of the following regions:

Northeastern Region--The States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and the District of Columbia.

Southeastern Region--The States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; the Commonwealth of Puerto Rico; and the Virgin Islands of the United States.

North Central Region--The States of Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin.

Southwestern Region--The States of Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Western Region--The States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and Guam.

¹ The addresses of the Regional Directors are as follows:

Northeastern Region--Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102.

Southeastern Region--Room 216, 1718 Peachtree Street, NW., Atlanta, GA 30309.

North Central Region--Room 419, U.S. Courthouse Building, East First and Walnut Streets, Des Moines, IA 50309.

Southwestern Region--Room 5-F41, 1100 Commerce Street, Dallas, TX 75201.

Western Region--Room 102, Building 2 C, 620 Central Avenue, Alameda, CA 94501.

(§ 301.2 continued)

(kkk) Official import inspection establishment. This term means any establishment, other than an official establishment as defined in paragraph (i) of this section, where inspections are authorized to be conducted as prescribed in § 327.6 of this subchapter.

(lll) Area supervisor. The official in charge of an area.

(mmm) Area. One or more circuits under the supervision of an area supervisor.

(nnn) Inspector in charge. A designated program employee who is in charge of one or more official establishments within a circuit and is responsible to the circuit supervisor or his designee.

(ooo) Inhumane slaughter or handling in connection with slaughter.

Slaughter or handling in connection with slaughter not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906, as amended by the Humane Methods of Slaughter Act of 1978, 92 Stat. 1069) and Part 313 of this subchapter.

(ppp) Carbon dioxide. A gaseous form of the chemical formula CO₂.

(qqq) Carbon dioxide concentration. Ratio of carbon dioxide gas and atmospheric air.

(rrr) Exposure time. The period of time an animal is exposed to an anesthesia-producing carbon dioxide concentration.

(sss) Anesthesia. Loss of sensation or feeling.

(ttt) Surgical anesthesia. A state of unconsciousness measured in conformity with accepted surgical practices.

(uuu) Consciousness. Responsiveness of the brain to the impressions made by the senses.

(vvv) Captive bolt. A stunning instrument which when activated drives a bolt out of a barrel for a limited distance.

Other definitions, if any, that are applicable only for purposes of a specific part of the regulations in this subchapter, are set forth in such part.

PART 302-APPLICATION OF INSPECTION AND OTHER REQUIREMENTS

AUTHORITY: The provisions of this Part 302 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962, (7 U.S.C. 450); Act of July 24, 1919, (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 302.1 Establishments requiring inspection.

(a) Inspection under the regulations in this subchapter is required at:

(1) Every establishment, except as provided in § 303.1(a) and (b), or (c) of this subchapter, in which any livestock are slaughtered for transportation or sale as articles of commerce, or in which any product of, or derived from, carcasses of livestock are, wholly or in part, prepared for transportation or sale as articles of commerce, which are intended for use as human food;

(2) Every establishment, except as provided in § 303.1(a) and (b), or (d) of this subchapter, within any State or organized Territory which is designated pursuant to paragraph 301(c) of the Act, at which any livestock are slaughtered or any products of any livestock are prepared, for use as human food solely for distribution within such jurisdiction; and

(§ 302.1 continued)

(3) Every establishment, except as provided in § 303.1(a) and (b) of this subchapter, that is designated by the Administrator pursuant to paragraph 301(c) of the Act as one producing adulterated products which would clearly endanger the public health.

§ 302.2 Application of requirements in the District of Columbia or in designated States or Territories; and to designated plants endangering public health.

(a) Special provisions, with respect to certain retail stores and restaurants in the District of Columbia, appear in Part 330 of this subchapter and apply to such establishments and their operations in lieu of the regulations elsewhere in this subchapter, except insofar as such regulations are made applicable by the provisions in Part 330 of this subchapter.

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(§ 304.2(e) cont'd.)

Further, any application for inspection pending on April 3, 1970, and granted within 1 year thereafter shall not require certification for 1 year following the grant of inspection but such grant of inspection shall terminate at the end of 1 year after its issuance unless prior thereto such certification has been obtained and the other requirements of subsection 21(b) are met.

* (f) Inspection may be refused in accordance with humane slaughter and *
* handling provisions of the Act (21 U.S.C. 603(b)) and the applicable rules of *
* practice. *

PART 305-OFFICIAL NUMBERS; INAUGURATION OF INSPECTION;
WITHDRAWAL OF INSPECTION; REPORTS OF VIOLATION

AUTHORITY: The provisions of this Part 305 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962, (7 U.S.C. 450); Act of July 24, 1919, (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 305.1 Official numbers.

(a) An official number shall be assigned to each establishment granted inspection. Such number shall be used to identify all inspected and passed products prepared in the establishment. More than one number shall not be assigned to an establishment.

(b) Two or more official establishments under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each establishment and the products thereof.

(c) When inspection has been granted to any applicant at an establishment, it shall not be granted to any other person at the same establishment. However, persons operating as separate entities in the same building or structure may operate separate establishments therein only under their own grant of inspection. All such persons operating separate establishments in the same building or structure shall be responsible for compliance with the Act and regulations in their own establishments, which shall include common areas, e.g., hallways, stairways, and elevators.

§ 305.2 Separation of official establishments.

(a) Each official establishment shall be separate and distinct from any unofficial establishment except a poultry products processing establishment operated under Federal inspection under the Poultry Products Inspection Act or under State inspection.

(b) The slaughter or other preparation of products of horses, mules, or other equines required to be conducted under inspection pursuant to the regulations in this subchapter shall be done in establishments separate from any establishment in which cattle, sheep, swine, or goats are slaughtered or their products are prepared.

(c) Inspection shall not be inaugurated in any building, any part of which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, wood, or similar material and the floors, walls, and ceilings are without openings that directly or indirectly communicate with any part of the building used as living quarters.

§ 305.3 Sanitation and adequate facilities.

Inspection shall not be inaugurated if an establishment is not in a sanitary condition nor unless the establishment agrees to maintain a sanitary condition and provides adequate facilities for conducting such inspection.

§ 305.4 Inauguration of inspection.

When inspection is granted, the circuit supervisor shall, at or prior to the inauguration of inspection, inform the operator of the establishment of the requirements of the regulations in this subchapter. If the establishment, at the time inspection is inaugurated, contains any product which has not theretofore been inspected, passed, and marked in compliance with the regulations in this subchapter, the identity of the same shall be maintained, and it shall not be distributed in commerce, or otherwise subject to the requirements of such regulations, or dealt with as inspected and passed under the regulations. The establishment shall adopt and enforce all necessary measures and shall comply with all such directions as the circuit supervisor may prescribe, for carrying out the purposes of this section.

§ 305.5 Withdrawal of inspection; statement of policy.

(a) The Administrator is authorized to withdraw inspection from an official establishment where the sanitary conditions are such that its products are rendered adulterated, or for failure of the operator to destroy condemned products as required by the Act and regulations in this subchapter. Inspection may be withdrawn in accordance with section 401 of the Act and the applicable rules of practice.

(b) The assignment of inspectors may be temporarily suspended, in whole or in part, by the Administrator to the extent it is determined necessary to avoid impairment of the effective conduct of the program when the operator of any official establishment or any subsidiary therein, or any officer, employee, or agent of any such operator or any subsidiary therein, acting within the scope of his office, employment, or agency, threatens to forcibly assault or forcibly assaults, intimidates, or interferes with any program employee in or on account of the performance of his official duties under the act, unless promptly upon the incident being brought by an authorized supervisor of the program employee to the attention of the operator of the establishment the operator (1) satisfactorily justifies the incident, (2) takes effective steps to prevent a recurrence, or (3) provides acceptable assurance that there will not be any recurrences. Such suspension shall remain in effect until one of such actions is taken by the operator: Provided, That upon request of the operator he shall be afforded an opportunity for an expedited hearing to show cause why the suspension should be terminated.

* (c) Inspection service may be temporarily suspended, in whole or in *
* part, at an official establishment, by the Administrator, to the extent that *
* it is determined necessary to prevent inhumane slaughtering or handling in *
* connection with slaughter of livestock as defined in § 301.2(ooo) (9 CFR *
* 301.2(ooo)). The Administrator shall notify the operator of an establishment *
* orally or in writing, as promptly as circumstances permit, of such suspension *
* and the reasons therefor. Such suspension shall remain in effect until the *
* operator of the establishment takes effective steps to prevent a recurrence, *
* or provides other satisfactory assurances that there will not be any *
* recurrences. Upon request, the operator shall be afforded an opportunity for *
* a hearing to show cause why the suspension should be terminated. *

§ 305.6 Reports of violations.

Program employees shall report, in a manner prescribed by the Administrator, all violations of the Act or regulations in this subchapter of which they have information.

PART 306-ASSIGNMENT AND AUTHORITIES OF PROGRAM EMPLOYEES

AUTHORITY: The provisions of this Part 306 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962, (7 U.S.C. 450); Act of July 24, 1919, (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

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(§ 312.8(b) continued)

and the regulations of the Department of Agriculture and is sound and wholesome. The certificate also bears a serial number such as "No. 184432."

§ 312.9 Official detention marks and devices.

The official mark for articles and livestock detained under Part 329 of this subchapter shall be the designation "U.S. Detained" and the official device for applying such mark shall be official tag Form CP-483 as prescribed in § 329.2 of this subchapter.

PART 313-HUMANE SLAUGHTER OF LIVESTOCK

AUTHORITY: 92 Stat. 1069, 72 Stat. 862, 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 91, 438; 21 U.S.C. 71 et seq.; 601 et seq.; 7 U.S.C. 1901-1966.

§ 313.1 Livestock pens, driveways and ramps.

(a) Livestock pens, driveways and ramps shall be maintained in good repair. They shall be free from sharp or protruding objects which may, in the opinion of the inspector, cause injury or pain to the animals. Loose boards, splintered or broken planking, and unnecessary openings where the head, feet, or legs of an animal may be injured shall be repaired.

(b) Floors of livestock pens, ramps, and driveways shall be constructed and maintained so as to provide good footing for livestock. Slip resistant or waffled floor surfaces, cleated ramps and the use of sand, as appropriate, during winter months are examples of acceptable construction and maintenance.

(c) U.S. Suspects (as defined in § 301.2(gg)) and dying, diseased, and disabled livestock (as defined in §301.2(ccc)) shall be provided with a covered pen sufficient, in the opinion of the inspector, to protect them from the adverse climatic conditions of the locale while awaiting disposition by the inspector.

(d) Livestock pens and driveways shall be so arranged that sharp corners and direction reversal of driven animals are minimized.

§ 313.2 Handling of Livestock.

(a) Driving of livestock from the unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed.

(b) Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive, is prohibited. Electrical prods attached to AC house current shall be reduced by a transformer to the lowest effective voltage not to exceed 50 volts AC.

(c) Pipes, sharp or pointed objects, and other items which, in the opinion of the inspector, would cause injury or unnecessary pain to the animal shall not be used to drive livestock.

(d) Disabled livestock and other animals unable to move.

(1) Disabled animals and other animals unable to move shall be separated from normal ambulatory animals and placed in the covered pen provided for in § 313.1(c).

(2) The dragging of disabled animals and other animals unable to move, while conscious, is prohibited. Stunned animals may, however, be dragged.

(§ 313.2(d) continued)

(3) Disabled animals and other animals unable to move may be moved, while conscious, on equipment suitable for such purposes; e.g., stone boats.

(e) Animals shall have access to water in all holding pens and, if held longer than 24 hours, access to feed. There shall be sufficient room in the holding pen for animals held overnight to lie down.

(f) Stunning methods approved in § 313.30 shall be effectively applied to animals prior to their being shackled, hoisted, thrown, cast, or cut.

§ 313.5 Chemical, carbon dioxide.

The slaughtering of sheep, calves, and swine with the use of carbon dioxide gas and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the Act.

(a) Administration of gas, required effect; handling.

(1) The carbon dioxide gas shall be administered in a chamber in accordance with this section so as to produce surgical anesthesia in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be exposed to the carbon dioxide gas in a way that will accomplish the anesthesia quickly and calmly, with a minimum of excitement and discomfort to the animals.

(2) The driving or conveying of the animals to the carbon dioxide chamber shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the anesthesia chamber is essential since the induction, or early phase, of anesthesia is less violent with docile animals. Among other things this requires that, in driving animals to the anesthesia chamber, electrical equipment be used as little as possible and with the lowest effective voltage.

(3) On emergence from the carbon dioxide chamber the animals shall be in a state of surgical anesthesia and shall remain in this condition throughout shackling, sticking and bleeding. Asphyxia or death from any cause shall not be produced in the animals before bleeding.

(b) Facilities and procedures--

(1) General requirements for gas chambers and auxiliary equipment; operator.

(i) The carbon dioxide gas shall be administered in a chamber which accomplishes effective exposure of the animal. Two types of chambers involving the same principle are in common use for carbon dioxide anesthesia. They are the "U" type chamber and the "Straight Line" type chamber. Both are based on the principle that carbon dioxide gas has a higher specific gravity than air. The chambers open at both ends for entry and exit of animals and have a depressed central section. Anesthetizing carbon dioxide concentrations are maintained in the central section of the chamber. Effective anesthetization is produced in this section. Animals are driven from holding pens through a pathway constructed of pipe or other smooth metal onto a continuous conveyor device which moves the animals through the chamber. The animals are compartmentalized on the conveyor by impellers synchronized with the conveyor or are otherwise prevented from crowding. While impellers are used to compartmentalize the animal, a mechanically or manually operated gate will be used to move the animal onto the conveyor. Surgically anesthetized animals are moved from the chamber by the same continuous conveyor that carried them into and through the carbon dioxide gas.

(ii) Flow of animals into and through the carbon dioxide chamber is dependent on one operator. The operation or stoppage of the conveyor is

(§ 313.5(b)(1)(ii) continued)

entirely dependent upon this operator. It is necessary that he be skilled, attentive, and aware of his responsibility. Overdosages and death of animals can be brought about by carelessness of this individual.

(2) Special requirements for gas chamber and auxiliary equipment. The ability of anesthetizing equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, gas chambers, and all other equipment used must be designed to accommodate properly the species of animals being anesthetized. They shall be free from pain-producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or well padded rigid material. Power activated gates designed for constant flow of animals to anesthetizing equipment shall be so fabricated that they will not cause injury. All equipment involved in anesthetizing animals shall be maintained in good repair.

(3) Gas. Maintenance of a uniform carbon dioxide concentration and distribution in the anesthesia chamber is a vital aspect of producing surgical anesthesia. This may be assured by reasonably accurate instruments which sample and analyze carbon dioxide gas concentration within the chamber throughout anesthetizing operations. Gas concentrations shall be maintained uniform so that the degree of anesthesia in exposed animals will be constant. Carbon dioxide gas supplied to anesthesia chambers may be from controlled reduction of solid carbon dioxide or from a controlled liquid source. In either case the carbon dioxide shall be supplied at a rate sufficient to anesthetize adequately and uniformly the number of animals passing through the chamber. Sampling of gas for analysis shall be made from a representative place or places within the chamber and on a continuing basis. Gas concentrations and exposure time shall be graphically recorded throughout each day's operation. Neither carbon dioxide nor atmospheric air used in the anesthesia chambers shall contain noxious or irritating gases. Each day before equipment is used for anesthetizing animals, proper care shall be taken to mix adequately the gas and air within the chamber. All gas producing and control equipment shall be maintained in good repair and all indicators, instruments, and measuring devices must be available for inspection by Program inspectors during anesthetizing operations and at other times. A suitable exhaust system must be provided to eliminate possible overdosages due to mechanical or other failure of equipment.

§ 313.15 Mechanical; captive bolt.

The slaughtering of sheep, swine, goats, calves, cattle, horses, mules, and other equines by using captive bolt stunners and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the Act.

(a) Application of stunners, required effect; handling.

(1) The captive bolt stunners shall be applied to the livestock in accordance with the section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.

(§ 313.15(a) continued)

(2) The driving of the animals to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the stunning areas is essential since accurate placement of stunning equipment is difficult on nervous or injured animals. Among other things, this requires that, in driving animals to the stunning area, electrical equipment be used as little as possible and with the lowest effective voltage.

(3) Immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(b) Facilities and procedures--

(1) General requirements for stunning facilities; operator.

(i) Acceptable captive bolt stunning instruments may be either skull penetrating or nonpenetrating. The latter type is also described as a concussion or mushroom type stunner. Penetrating instruments on detonation deliver bolts of varying diameters and lengths through the skull and into the brain. Unconsciousness is produced immediately by physical brain destruction and a combination of changes in intracranial pressure and acceleration concussion. Nonpenetrating or mushroom stunners on detonation deliver a bolt with a flattened circular head against the external surface of the animal's head over the brain. Diameter of the striking surface of the stunner may vary as conditions require. Unconsciousness is produced immediately by a combination of acceleration concussion and changes in intracranial pressures. A combination instrument utilizing both penetrating and nonpenetrating principles is acceptable. Energizing of instruments may be accomplished by detonation of measured charges of gunpowder or accurately controlled compressed air. Captive bolts shall be of such size and design that, when properly positioned and activated, immediate unconsciousness is produced.

(ii) To assure uniform unconsciousness with every blow, compressed air devices must be equipped to deliver the necessary constant air pressure and must have accurate, constantly operating air pressure gauges. Gauges must be easily read and conveniently located for use by the stunning operator and the inspector. For purposes of protecting employees, inspectors, and others, it is desirable that any stunning device be equipped with safety features to prevent injuries from accidental discharge. Stunning instruments must be maintained in good repair.

(iii) The stunning area shall be so designed and constructed as to limit the free movements of animals sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy. All chutes, alleys, gates and restraining mechanisms between and including holding pens and stunning areas shall be free from pain-producing features such as exposed bolt ends, loose boards, splintered or broken planking, and protruding sharp metal of any kind. There shall be no unnecessary holes or other openings where feet or legs of animals may be injured. Overhead drop gates shall be suitably covered on the bottom edge to prevent injury on contact with animals. Roughened or cleated cement shall be used as flooring in chutes leading to stunning areas to reduce falls of animals. Chutes, alleys, and stunning areas shall be so designed that they will comfortably accommodate the kinds of animals to be stunned.

(iv) The stunning operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately place the stunning instrument to produce immediate unconsciousness. He must use the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results.

(§ 313.15(b) continued)

(2) Special requirements. Choice of instrument and force required to produce immediate unconsciousness varies, depending on kind, breed, size, age, and sex of the animal. Young swine, lambs, and calves usually require less stunning force than mature animals of the same kind. Bulls, rams, and boars usually require skull penetration to produce immediate unconsciousness. Charges suitable for smaller kinds of livestock such as swine or for young animals are not acceptably interchanged for use on larger kinds or older livestock, respectively.

§ 313.16 Mechanical; gunshot.

The slaughtering of cattle, calves, sheep, swine, goats, horses, mules, and other equines by shooting with firearms and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the Act.

(a) Utilization of firearms, required effect; handling.

(1) The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The animals shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.

(2) The driving of the animals to the shooting areas shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the shooting area is essential since accurate placement of the bullet is difficult in case of nervous or injured animals. Among other things, this requires that, in driving animals to the shooting areas, electrical equipment be used as little as possible and with the lowest effective voltage.

(3) Immediately after the firearm is discharged and the projectile is delivered, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(b) Facilities and procedure--

(1) General requirements for shooting facilities; operator.

(i) On discharge, acceptable firearms dispatch free projectiles or bullets of varying sizes and diameters through the skull and into the brain. Unconsciousness is produced immediately by a combination of physical brain destruction and changes in intracranial pressure. Caliber of firearms shall be such that when properly aimed and discharged, the projectile produces immediate unconsciousness.

(ii) To assure uniform unconsciousness of the animal with every discharge where small-bore firearms are employed, it is necessary to use one of the following type projectiles: Hollow pointed bullets; frangible iron plastic composition bullets; or powdered iron missiles. When powdered iron missiles are used, the firearms shall be in close proximity with the skull of the animal when fired. Firearms must be maintained in good repair. For purposes or protecting employees, inspectors and others, it is desirable that all firearms be equipped with safety devices to prevent injuries from accidental discharge. Aiming and discharging of firearms should be directed away from operating areas.

(iii) The provisions contained in § 313.15(b)(1)(iii) with respect to the stunning area also apply to the shooting area.

(§ 313.16(b)(1) continued)

(iv) The shooting operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately direct the projectile to produce immediate unconsciousness. He must use the correct caliber firearm, powder charge and type of ammunition to produce the desired results.

(2) Special requirements. Choices of firearms and ammunition with respect to caliber and choice of powder charge required to produce immediate unconsciousness of the animal may vary depending on age and sex of the animal. In the case of bulls, rams, and boars, small bore firearms may be used provided they are able to produce immediate unconsciousness of the animals. Small bore firearms are usually effective for stunning other cattle, sheep swine, and goats, and calves, horses, and mules.

§313.30 Electrical; stunning with electric current.

The slaughtering of swine, sheep, calves, cattle, and goats with the use of electric current and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the Act.

(a) Administration of electric current, required effect; handling.

(1) The electric current shall be administered so as to produce surgical anesthesia in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be exposed to the electric current in a way that will accomplish the anesthesia quickly and calmly, with a minimum of excitement and discomfort to the animals.

(2) The driving or conveying of the animals to the place of application of electric current shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the place of application is essential to insure rapid and effective insensibility. Among other things, this requires that, in driving animals to the place of application, electrical equipment be used as little as possible and with the lowest effective voltage.

(3) The quality and location of the electrical shock shall be such as to produce immediate insensibility to pain in the exposed animal.

(4) The stunned animal shall remain in a state of surgical anesthesia through shackling, sticking and bleeding. However, the animal shall die from loss of blood resulting from the sticking and bleeding, and not from the electrical shock.

(b) Facilities and procedures; operator--

(1) General requirements for operator. It is necessary that the operator of electric current application equipment be skilled, attentive, and aware of his responsibility. Overdosages and death of animals can be brought about by carelessness of this individual.

(2) Special requirements for electric current application equipment. The ability of electric current equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, current applicators, and all other equipment used must be designed to accommodate properly the species of animals being anesthetized. They shall be free from pain-producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces or openings where feet or legs of animals may be injured. Impellers or

(§ 313.30(b)(2) continued)

other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or padded material. Power activated gates designed for constant flow of animals to electrical stunning equipment shall be so fabricated that they will not cause injury. All electrical stunning and auxiliary control and other equipment shall be maintained in good repair and all indicators, instruments, and measuring devices shall be available for inspection by Program inspectors during stunning operations and at other times.

(3) Electric current. Each animal shall be given a sufficient application of electric current to insure unconsciousness immediately and through the bleeding operation. Suitable timing, voltage and current control devices shall be used to insure that each animal receives the necessary electrical charge to produce immediate unconsciousness. Moreover, the current shall be applied so as to avoid the production of hemorrhages or other tissue changes that would interfere with the inspection procedures of the Meat and Poultry Inspection Program.

§ 313.50 Tagging of equipment, alleyways, pens, or compartments to prevent inhumane slaughter or handling in connection with slaughter.

When an inspector observes an incident of inhumane slaughter or handling in connection with slaughter, he/she shall inform the establishment operator of the incident and request that the operator take the necessary steps to prevent a recurrence. If the establishment operator fails to take such action or fails to promptly provide the inspector with satisfactory assurances that such action will be taken, the inspector shall follow the procedures specified in paragraph (a), (b), or (c) of this section, as appropriate.

(a) If the cause of inhumane treatment is the result of facility deficiencies, disrepair, or equipment breakdown, the inspector shall attach a "U.S. Rejected" tag thereto. No equipment, alleyway, pen or compartment so tagged shall be used until made acceptable to the inspector. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to such tagging may be dressed, processed, or prepared under inspection.

(b) If the cause of inhumane treatment is the result of establishment employee actions in the handling or moving of livestock, the inspector shall attach a "U. S. Rejected" tag to the alleyways leading to the stunning area. After the tagging of the alleyway, no more livestock shall be moved to the stunning area until the inspector receives satisfactory assurances from the establishment operator that there will not be a recurrence. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to the tagging may be dressed, processed, or prepared under inspection.

(c) If the cause of inhumane treatment is the result of improper stunning, the inspector shall attach a "U.S. Rejected" tag to the stunning area. Stunning procedures shall not be resumed until the inspector receives satisfactory assurances from the establishment operator that there will not be a recurrence. The tag shall not be removed by anyone other than an inspector. All livestock slaughtered prior to such tagging may be dressed, processed, or prepared under inspection.

§ 313.90 Extension of implementation date.

(a) A delay in the application of the humane slaughtering and handling provisions of the Act may be obtained. The authorized period of time for the delay of implementation shall in no event extend beyond April 11, 1981.

(§ 313.90 continued)

(b) Any person, firm, or corporation may request a delay in the application of the humane slaughtering and handling provisions of the Act to its operations. Requests shall be submitted in letter form to the regional director of the geographical region in which the requesting party's operations are located. Requests shall specify the reasons why a delay in the application of the humane slaughtering and handling provisions of the Act is necessary to avoid undue hardship and shall include an anticipated date by which full compliance can be accomplished.

(c) In evaluating a request for delay in the application of the humane slaughtering and handling provisions of the Act, the appropriate regional director will consider whether or not the requesting party will sustain undue hardship if made to comply after October 10, 1979. In deciding whether undue hardship would occur in a particular case, the regional director will consider, among other things, the extent of the facility and/or equipment changes required for the requesting party to achieve compliance and the unavoidable difficulties attendant with such changes, such as unavailability of construction materials, weather problems, and strikes.

PART 314-HANDLING AND DISPOSAL OF CONDEMNED OR OTHER INEDIBLE PRODUCTS AT OFFICIAL ESTABLISHMENTS

AUTHORITY: The provisions of this Part 314 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962, (7 U.S.C. 450); Act of July 24, 1919, (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 314.1 Disposition of condemned products at official establishments having tanking facilities; sealing of tanks.

(a) Carcasses, parts of carcasses, and other products condemned at official establishments having facilities for tanking shall, except as provided in paragraph (c) of this paragraph or elsewhere in this part, be disposed of by tanking as follows:

(1) The lower opening of the tank shall first be sealed securely by a Program employee, except when permanently connected with a blow line; then the condemned products shall be placed in the tank in his presence, after which the upper opening shall also be sealed securely by such employee, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to effectively destroy the contents for human food purposes.

(2) The use of equipment such as crushers or hashers for pretanking preparation of condemned products in the inedible products department has been found to give inedible character and appearance to the material. Accordingly, if condemned products are so crushed or hashed, conveying systems, rendering tanks, and other equipment used in the further handling of crushed or hashed material need not be locked or sealed during the tanking operations. If the rendering tanks or other equipment contain condemned material not so crushed or hashed, the equipment shall be sealed as prescribed in subparagraph (1) of this paragraph. If the crushed or hashed material is not rendered in the establishment where produced, it shall be denatured as provided for in § 314.3 before leaving such establishment.

(§ 314.1 continued)

(b) The seals of tanks shall be broken only by a Program employee and only after the contents of the tanks have been treated as provided in paragraph (a) of this section. The rendered fat derived from condemned material shall be held until a Program employee shall have had an opportunity to determine whether it conforms with the requirements of this section. Samples shall be taken by Program employees as often as is necessary to determine whether the rendered fat is effectually denatured.

(c) Carcasses of animals condemned under § 309.3 of this subchapter may be disposed of as provided in § 314.3, in lieu of tanking, with the approval of the inspector.

§ 314.2 Tanking and other facilities for inedible products to be separate from edible product facilities.

All tanks and equipment used for rendering, otherwise preparing, or storing inedible products shall be in rooms or compartments separate from those used for preparing or storing edible products. There shall be no connection between rooms or compartments containing inedible products and those containing edible products, except that there may be one connecting doorway between the slaughtering or viscera separating department and the tank charging room of the inedible products rendering department. Pipes and chutes installed in accordance with such arrangements as are permitted by Part 308 of this subchapter, or as may be approved by the Administrator in specific cases, may be used to convey inedible and condemned material from edible product departments to inedible product departments.

§ 314.3 Disposition of condemned products at official establishments having no tanking facilities.

(a) Carcasses, parts of carcasses, and other products condemned at an official establishment which has no facilities for tanking shall, except as provided in paragraph (b) of this section or elsewhere in this part, be destroyed in the presence of an inspector by incineration, or denatured with crude carbolic acid, or cresylic disinfectant, or a formula consisting of one part FD&C No. 3 green coloring, 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella or any other proprietary material approved by the Administrator in specific cases. When such product is to be denatured, it shall be freely slashed before the denaturing agent is applied, except that, in the case of dead animals that have not been dressed, the denaturant may be applied by injection. The denaturant must be deposited in all portions of the carcass or product to the extent necessary to preclude its use for food purposes.

(b) All carcasses and parts condemned on account of anthrax, as identified in § 310.9(b) of this subchapter, at official establishments which are not equipped with tanking facilities shall be disposed of by (1) complete incineration, or (2) by thorough denaturing with crude carbolic acid, or cresylic disinfectant, and then disposed of in accordance with the requirements of the particular State or municipal authorities, who shall be notified immediately by the area supervisor.

§ 314.4 Suppression of odors in preparing inedible products.

Tanks, fertilizer driers, and other equipment used in the preparation of inedible product shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparation.

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(§ 327.2(a) continued)

paragraph, shall be eligible so far as this subchapter is concerned for importation into the United States from such foreign country after applicable requirements of this subchapter have been met.

(2) The determination of acceptability of a foreign meat inspection system for purposes of this section shall be based on an evaluation of the foreign program in accordance with the following requirements and procedures:

(i) The system shall have a program organized and administered by the national government of the foreign country. The system as implemented must provide standards at least equal to those of the Federal system of meat inspection in the United States with respect to:

(a) Organizational structure and staffing, so as to insure uniform enforcement of the requisite laws and regulations in all establishments throughout the system at which products are prepared for export to the United States;

(b) Ultimate control and supervision by the national government over the official activities of all employees or licensees of the system;

(c) The assignment of competent, qualified inspectors;

(d) Authority and responsibility of national inspection officials to enforce the requisite laws and regulations governing meat inspection and to certify or refuse to certify products intended for export;

(e) Adequate administrative and technical support;

(f) Other requirements of adequate inspection service as required by the regulations in this subchapter.

(ii) The legal authority for the system and the regulations thereunder shall impose requirements at least equal to those governing the system of meat inspection organized and maintained in the United States with respect to:

* (a) Ante-mortem inspection of animals for slaughter, and inspection of *
* methods of slaughtering and handling in connection with slaughtering which *
* shall be performed by veterinarians or by other employees or licensees of the *
* system under the direct supervision of the veterinarians; *

(b) Post-mortem inspection of carcasses and parts thereof at time of slaughter, performed by veterinarians or other employees or licensees of the system under the direct supervision of veterinarians;

(c) Official controls by the national government over establishment construction, facilities, and equipment;

(d) Direct and continuous official supervision of slaughtering and preparation of product, by the assignment of inspectors to establishments certified under subparagraph (3) of this paragraph, to assure that adulterated or misbranded product is not prepared for export to the United States;

(e) Complete separation of establishments certified under subparagraph (3) of this paragraph from establishments not certified and the maintenance of a single standard of inspection and sanitation throughout all certified establishments;

(f) Requirements for sanitation at certified establishments and for sanitary handling of product;

(g) Official controls over condemned material until destroyed or removed and thereafter excluded from the establishment;

(h) Other matters for which requirements are contained in the Act or regulations in this subchapter.

(§ 327.2(a)(2) continued)

(iii) Countries desiring to establish eligibility for importation of product into the United States may request a determination of eligibility by presenting copies of the laws and regulations on which the foreign meat inspection system is based and such other information as the Administrator may require with respect to matters enumerated in subdivisions (i) and (ii) of this subparagraph. Determination of eligibility is based on a study of the documents and other information presented and an initial review of the system in operation by a representative of the Department using the criteria listed in subdivisions (i) and (ii) of this subparagraph. Maintenance of eligibility of a country for importation of products into the United States depends on the results of periodic reviews of the foreign meat inspection system in operation by a representative of the Department, and the timely submission of such documents and other information related to the conduct of the foreign inspection system, including information required by paragraph (e) of section 20 of the Act, as the Administrator may find pertinent to and necessary for the determinations required by this section of the regulations.

(iv) The foreign inspection system must maintain a program of periodic supervisory visits to each establishment certified in accordance with subparagraph (3) of this paragraph to assure that requirements referred to in (a) through (h) of subdivision (ii) of this subparagraph, at least equal to those of the Federal system of meat inspection of the United States, are being met. A representative of the foreign inspection system shall make at least one such supervisory visit each month to each such establishment and prepare a written report of his findings in respect to the requirements referred to in (a) through (h) of subdivision (ii) of this subparagraph, copies of which shall be available to the representative of the Department at the time of his review upon request by said representative to a responsible foreign meat inspection official: Provided, That such visits and reports are not required with respect to any establishment during a period when the establishment is not operating or is not engaged in producing products for exportation to the United States.

(3) Only those establishments that are determined and certified to the Department by a responsible official of the foreign meat inspection system as fully meeting the requirements of subparagraphs (2) (i) and (ii) of this paragraph are eligible to have their products imported into the United States. Eligibility of certified establishments is subject to review by the Department (including observations of the establishments by Program representatives at times prearranged with the officials of the foreign meat inspection system). Certifications of establishments must be renewed annually. Notwithstanding certification by a foreign official, the Administrator may, at this discretion, terminate the eligibility of any foreign establishment for importation of its products into the United States if he has information that such establishment does not comply with the requirements listed in subparagraphs (2)(i) and (ii) of this paragraph or if he cannot obtain current information concerning such establishment. The Administrator will provide reasonable notice to the foreign government of the proposed termination of eligibility of any foreign establishment for importation of its products into the United States unless,

thereof; or (3)
business as a
renderer, or in the
business of buying,
selling, or trans-
porting any dead,
dying, disabled, or
diseased livestock
or parts of carcasses
of any livestock that
died otherwise than
by slaughter.

Act, 203; § 320.5.

Persons engaged (not	California	4-1-76
in or for commerce)	Colorado	7-1-75
in business as a	Connecticut	10-1-75
meat broker; renderer;	Guam	11-19-76
animal food manu-	Kentucky	4-18-75
facturer; whole-	Massachusetts	1-12-76
saler or public	Minnesota	1-31-75
warehouseman of	Missouri	1-31-75
livestock car-	Montana	1-31-75
casses, or parts or	Nebraska	1-31-75
products thereof;	Nevada	1-31-75
or buying, selling,	New Hampshire	10-29-79
or transporting any	New Jersey	7-1-75
dead, dying, disabled	New York	7-16-75
or diseased live-	North Dakota	7-23-75
stock, or parts	N. Mariana Is.	10-29-79
of carcasses of any	Oregon	1-31-75
such livestock that	Pennsylvania	5-2-74
died otherwise than	Puerto Rico	11-19-76
by slaughter.	Tennessee	10-1-75

Virgin	
Islands	11-19-76
Washington	1-31-75
Connecticut	10-1-75
Guam	11-19-76
Kentucky	4-18-73
Massachusetts	1-12-76
Minnesota	1-31-75
Montana	1-31-75
Nevada	1-31-75
New Hampshire	10-29-79
New Jersey	7-1-75
New York	7-16-75
North Dakota	7-23-75
N. Mariana Is.	10-29-79
Oregon	1-31-75
Pennsylvania	5-2-74
Puerto Rico	11-19-76
Virgin	
Islands	11-19-76
Washington	1-31-75

Act, 204; §§ 325.20
and 325.21.

Persons engaged (not	California	4-1-76
in or for commerce)	Colorado	7-1-75
in the business of	Connecticut	10-1-75
buying, selling, or	Guam	11-19-76
transporting any	Kentucky	4-18-73
dead, dying, dis-	Massachusetts	1-12-76
abled or diseased	Minnesota	1-31-75
animals, or parts	Montana	1-31-75
of carcasses of	Nevada	1-31-75
any animals that	New Hampshire	10-29-79
died otherwise	New Jersey	7-1-75
than by slaughter.	New York	7-16-75
	North Dakota	7-23-75
	N. Mariana Is.	10-29-79
	Oregon	1-31-75
	Pennsylvania	5-2-74
	Puerto Rico	11-19-76
	Virgin	
	Islands	11-19-76
	Washington	1-31-75

PART 335-RULES OF PRACTICE GOVERNING PROCEEDINGS
UNDER THE FEDERAL MEAT INSPECTION ACT

Authority: 34 Stat. 1264, as amended; 21 U.S.C. 621.

Subpart A - General

§ 335.1 Scope and applicability of rules of practice.

(a) The Uniform Rules of Practice for the Department of Agriculture promulgated in Subpart H of Part 1, Subtitle A, Title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicatory, administrative proceedings under sections 4, 6, 7(e), 8, and 401 of the Federal Meat Inspection Act (21 U.S.C. 604, 606, 607(e), 608 and 671). In addition, the Supplemental Rules of Practice set forth in Subpart B of this Part shall be applicable to such proceedings.

(b) The rules of practice set forth in Subpart C of this Part shall be applicable to the suspension of assignment of inspectors for threats to forcibly assault or forcible assault, intimidation or interference with any inspection service employee pursuant to section 305.5(b) of the regulations (9 CFR 305.5(b)) under the Federal Meat Inspection Act. In addition, the definitions applicable to proceedings under the Uniform Rules of Practice (7 CFR 1.132) shall apply with equal force and effect to proceedings under Subpart C.

* (c) The rules of practice set forth in Subpart D of this Part shall be
* applicable to the suspension of assignment of inspectors under section 3(b)
* of the Act (21 U.S.C. 603(b)). In addition, the definitions applicable to
* proceedings under the Uniform Rules of Practice (7 CFR 1.132) shall apply
* with equal force and effect to proceedings under Part 313.

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Subpart B - Supplemental Rules of Practice

§ 335.10 Refusal or withdrawal of inspection service under section 401 of the Act.

If the Administrator has reason to believe that the applicant for or recipient of service under Title I of the Act is unfit to engage in any business requiring such inspection because of any of the reasons specified in section 401 of the Act, he may institute a proceeding by filing a complaint with the Hearing Clerk, who shall promptly serve a true copy thereof upon each respondent, as provided in section 1.147(b) of the Uniform Rules of Practice (9 CFR 1.147(b)).

§ 335.11 Withdrawal of inspection service for failure of an establishment to destroy any condemned carcass or part thereof or any condemned meat or meat food product.

(a) In any situation in which the Administrator has reason to believe that an establishment which receives inspection service under Title I of the Federal Meat Inspection Act has failed to destroy any condemned carcass or part thereof or any condemned meat or meat food product, as required under sections 4 and 6 of the Federal Meat Inspection Act (21 U.S.C. 604 and 606) and the regulations in this subchapter, he may notify the operator of the establishment, orally or in writing, of the Administrator's intent to withdraw (for such period or indefinitely as the Administrator deems necessary to

(§ 335.11(a) continued)

effectuate the purposes of the Act) inspection service from the establishment, pursuant to sections 4, 6, and 401 of the Act (21 U.S.C. 604, 606 and 671) and section 305.5(a) of the regulations (9 CFR 305.5(a)), if the establishment fails to destroy the condemned articles involved, as specified in the notification, within three days of the receipt of the notification by the operator of the establishment. In the event of oral notification, a written confirmation shall be given, as promptly as circumstances permit, to the operator of the establishment of the intent to withdraw inspection. The written notification or confirmation shall be served upon the operator of the establishment in the manner prescribed in § 1.147(b) of the Uniform Rules of Practice (7 CFR 1.147(b)).

(b) If any establishment so notified fails to destroy any condemned carcass or part thereof or any condemned meat or meat food product as specified in the notice, the Administrator may issue and file a complaint in accordance with the Uniform Rules of Practice. Effective upon service of the complaint, inspection service under the Act shall be withdrawn from such establishment as provided in sections 4, 6, and 401 of the Federal Meat Inspection Act (21 U.S.C. 604, 606, and 671), pending final determination in the proceeding.

§ 335.12 Withholding use of marking, labeling, or containers from use under section 7 of the Federal Meat Inspection Act.

(a) In any situation in which the Administrator determines that any marking or labeling or size or form of any container in use or proposed for use with respect to any article subject to Title I of the Federal Meat Inspection Act is false or misleading in any particular, he shall notify, in writing, the person, firm, or corporation using or proposing to use such marking, labeling, or container, that such use shall be withheld unless the marking, labeling, or container is modified in such a manner as the Administrator may prescribe so that it would not be false or misleading.

(b) The written notification shall briefly set forth the reason for withholding the use of the marking, labeling, or container, and shall offer the respondent an opportunity to submit a written statement by way of answer to the notification and a right to request a hearing with respect to the merits or validity of the withholding action. The written notification shall be served in the manner prescribed in § 1.147(b) of the Uniform Rules of Practice (7 CFR 1.147(b)).

(c) Effective upon service of the notification, the use of the marking, labeling, or container shall be withheld, if the Administrator so directs.

(d) If any person, firm, or corporation so notified fails to accept the determination of the Administrator and files an answer and requests a hearing, and the Administrator, after review of the answer, determines the initial determination to be correct, he shall file with the Hearing Clerk the notification, answer and request for hearing, which shall constitute the complaint and answer in the proceeding, which shall thereafter be governed by the Uniform Rules of Practice.

§ 335.13 Refusal or withdrawal of inspection service under the Federal Meat Inspection Act for failure to maintain sanitary conditions.

(a) In any situation in which the Administrator determines that the sanitary conditions of an establishment which is applying for inspection or receiving inspection under Title I of the Federal Meat Inspection Act are such that any meat or meat food product prepared therein are or would be rendered

(§ 335.13(a) continued)

adulterated, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed," pursuant to section 8 of the Act (21 U.S.C. 608). The Administrator shall notify the applicant or operator of the establishment, orally or in writing, as promptly as circumstances permit, of such refusal to inspect and pass the meat or meat food products and the reasons therefor, and the action which the Administrator deems necessary to eliminate the insanitary conditions. In the event of oral notification, written confirmation shall be given, as promptly as circumstances permit, to the applicant or operator of the establishment in the manner prescribed in § 1.147(b) of the Uniform Rules of Practice (7 CFR 1.147(b)).

(b) If any applicant or operator of an establishment so notified fails to take the necessary action to eliminate the insanitary conditions within the period specified in the notice, the Administrator may issue a complaint in accordance with the Uniform Rules of Practice. Effective upon service of the complaint, inspection service shall be refused or withdrawn from such establishment as provided in sections 8 and 401 of the Act pending final determination in the proceeding.

Subpart C--Rules Applicable to Suspension of Assignment
of Inspectors for Threats to Forcibly Assault or Forcible Assault,
Intimidation or Interference With Any Inspection Service Employee

§ 335.20 Notification to operator of establishment of incident.

In any situation in which a supervisor of an inspection service employee determines that the operator of any official establishment or any subsidiary therein, or any officer, employee, or agent of any such operator or any subsidiary therein, acting within the scope of his office, employment, or agency, has threatened to forcibly assault or has forcibly assaulted, intimidated or interfered with any inspection service employee, under his supervision, in or on account of the performance of the employee's official duties under the Act, he shall notify the operator of the establishment, orally or in writing, of the incident in accordance with section 305.5(b) of the regulations in this subchapter (9 CFR 305.5(b)).

§ 335.21 Procedure upon failure of operator of establishment to take action required by section 305.5(b) of the regulations.

(a) If any operator of an establishment notified pursuant to § 335.20 fails to promptly take any of the actions specified in section 305.5(b) of the regulations (9 CFR 305.5(b)), the Administrator may suspend the assignment of inspectors at that establishment, in whole or in part, as the Administrator determines necessary to avoid impairment of the effective conduct of inspection service, by notifying the operator of the establishment, orally or in writing, of such suspension. In the event of oral notification, a written confirmation shall be given, as promptly as circumstances permit, to the operator of the establishment. The written notification or confirmation shall be served upon the operator of the establishment in the manner prescribed in § 1.147(b) of the Uniform Rules of Practice (7 CFR 1.147(b)).

(b) The written notification or confirmation, specified in paragraph (a) of this section, which shall constitute the complaint in the proceeding, shall briefly set forth the reason for the suspension of the assignment of inspectors,

(§ 335.21(b) continued)

including allegations of fact which constitute a basis for the action. The complaint shall offer the respondent opportunity to submit a specific written statement by way of answer and the right to request a hearing with respect to the merits or validity of the suspension action, and shall state the time within which answer by the respondent must be made, which shall not be less than 10 days after service of the complaint. At any time prior to the close of the hearing, the complaint may be amended; but, in case of an amendment adding new provisions, the hearing shall, on the request of the respondent, be adjourned for a period not exceeding 15 days, if the judge determines that such an adjournment is necessary to avoid prejudice to the respondent.

(c) A copy of the complaint served upon the respondent shall be filed with the Hearing Clerk who shall assign the matter a docket number.

(d) After the complaint is served upon the respondent, as provided in paragraphs (a) and (b) of this section, the proceeding shall thereafter be conducted in accordance with rules of practice which shall be adopted for the proceeding.

* Subpart D--Rules Applicable to Suspension of *
* Assignment of Inspectors Under Section 3(b) of the *
* Federal Meat Inspection Act *
* * *

* Authority.--Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 92 Stat. 1069,
* 42 FR 35625, 35626, 35631. *

* § 335.30 Suspension of the assignment of inspectors under section 3(b) of *
* the Act. *
* *

* In any situation in which the Administrator has determined that livestock *
* have been inhumanely slaughtered or handled in connection with slaughter at *
* an official establishment, the Administrator may suspend the assignment of *
* inspectors at that establishment, in whole or in part, as the Administrator *
* determines necessary to prevent inhumane treatment of livestock. The *
* Administrator shall notify the operator of an establishment orally or in *
* writing, of such suspension as soon as possible. In the event of oral *
* notification, a written confirmation shall be given as promptly as circum- *
* stances permit to the operator of the establishment. The written notification *
* shall be served upon the operator of the establishment in a manner prescribed *
* in § 1.147(b) of the Uniform Rules of Practice (7 CFR 1.147(b)). *
* *

* § 335.31 Written notification to operator of establishment of incident. *
* *

* The written notification or confirmation, specified in § 335.30, shall *
* constitute the complaint in the proceeding and shall briefly set forth the *
* reason for the suspension of the assignment of inspectors including allega- *
* tions of fact which constitute a basis for action. The complaint shall offer *
* the establishment an opportunity to request a hearing with respect to the *
* merits or validity of the suspension action and shall give the establishment *
* the opportunity to furnish written assurances satisfactory to the Secretary *
* that all inhumane slaughtering and handling in connection with slaughter *
* have stopped and will not recur. The complaint shall state the time within *
* which the respondent's answer must be made, which shall not be less than *
* 10 days after service of the complaint. *

* § 335.32 Procedure upon receipt of the establishment answer. *

* If any establishment notified in accordance with § 335.31: *

* (a) Returns an answer and requests a hearing, the complaint, answer, *

* and request for hearing shall be filed with the Hearing Clerk, who shall *

* assign the matter a docket number. The proceeding shall thereafter be *

* conducted in accordance with the rules of practice which shall be adopted *

* for the proceeding; or *

* (b) Returns written assurances which the Secretary determines to be *

* unsatisfactory, the establishment shall promptly be informed of this deter- *

* mination in a written notification. Said notification shall briefly set *

* forth the reason the assurances were deemed unacceptable and shall offer the *

* establishment the right to file an answer to the original complaint and to *

* request a hearing with respect to the merits or validity of the suspension *

* action. If any establishment so notified files an answer to the original *

* complaint and requests a hearing, a copy of the complaint, answer, and *

* request for hearing shall be filed with the Hearing Clerk, who shall assign *

* the matter a docket number. The proceeding shall thereafter be conducted in *

* accordance with the rules of practice which shall be adopted for the *

* proceeding. *

* (c) Returns written assurances which the Secretary determines to be *

* satisfactory, the suspension shall be terminated and the establishment *

* informed of this action as soon as possible. *

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